Chapter 4

PERCEPTIONS AND KNOWLEDGE ABOUT DISPROPORTIONATE MINORITY CONFINEMENT

4.1   Introduction

This section of the report describes the perceptions and knowledge of juvenile justice respondents about disproportionate minority confinement (DMC). The information used is based on semi-structured interviews conducted with personnel from the juvenile justice system in five counties in the State of Kentucky. For the purpose of this study, two of the counties were considered urban counties (Jefferson and Fayette County) and three rural counties (Grayson, Mason and Christian). The rural counties were selected based on low, average, and high percentages of minorities in the county. Interviews were conducted with law enforcement officers, school personnel, court designated workers, prosecuting attorneys, defense attorneys, workers from the Department of Juvenile Justice, and judges. A total of 52 interviews were conducted. The interviews were conducted around 4 major themes: (i) procedures and activities; (ii) policy and resources; (iii) perceived socio-economic characteristics that affect how a juvenile is treated, processed, and in court outcomes within the juvenile justice system; (v) perceived causes of DMC; and (v) suggestions for improvements. The findings from the interviews are organized around the following themes:

(i)   *Perceptions about the seriousness of DMC.*

(ii)   *Perceptions about the pervasiveness of DMC.*

(iii)   *Perceptions about what social and economic characteristics of a juvenile can affect the way that juvenile is treated and processed in the juvenile justice system and in juvenile court outcomes.*

(iv)   *Perceived causes for DMC.*

(v)   *Recommendations to reduce DMC, reduce juvenile delinquency and improve the juvenile justice system overall.*

4.2   Seriousness of DMC

Two very different viewpoints were expressed concerning the seriousness of DMC in the different counties that were studied. While many respondents were concerned about DMC others did not see DMC as a problem in the juvenile justice process nor did they see race/ethnicity as a problematic issue in their counties. The disparity in perceptions is clearly demarcated by the location and demography of the counties.

Rural Responses

The general view expressed in the rural counties where the population is almost completely white is that problems related to minorities are simply not an issue. Within these counties juvenile crime and delinquency is not perceived as a major concern, as almost all the interviewees suggested that relatively few juveniles are involved in "trouble" and that when instances do arise, they typically involve non-violent offenses. It was also suggested that in these small, rural, predominantly white counties that more juveniles are drawn into the juvenile justice system through reported incidents and/or citations from schools.

In these rural counties the juvenile justice system respondents are either exclusively or predominantly white and they believe they are being equitable and fair in their dealings and views of minorities.   It is the view of some respondents that the small African-American population found in these rural communities are "good people" although mostly poor. While many of the rural respondents do not perceive race/ethnicity as an issue or concern in their community there were examples where certain dubious terms were used to describe the African-American population in some of these communities. For example:

 "Our black community, they don't cause any problems, and we don't harass them. If you look back, we are used to Hispanics being in our area, especially as this is a transient time for them, for farm labor. We've had to deal; I guess we've dealt more with them than we have our blacks … just because somebody's driving an old raggedy truck versus a dodge four-wheel drive, I don't really see that as a problem. We're trying to, if we can't treat everybody equally we understand this, and you know that we just treat everybody fairly."

Urban Responses

In the urban counties respondents were of two views. One group of respondents was of the view that DMC was not a serious issue in the counties where they worked. However, as the respondents reflect on the processing of juveniles in the two urban counties, they recognize that a large percentage of juveniles in the justice system were minorities, African American in particular. At the same time, these respondents could not attribute the large numbers of African American juveniles in the justice system to DMC. In contrast, a second group of respondents suggested that in the two major urban counties (Fayette and Jefferson) there are a disproportionate number of black juveniles in the justice system when compared to their actual total population in those counties, and that DMC was a real concern.

4.3   Pervasiveness of DMC

Many persons interviewed expressed concern that DMC has been identified in the juvenile justice system in the State of Kentucky. However, none of the interviewees believe that their own individual actions and/or decisions involved bias or discriminatory notions and that they were all equitable and fair in dealings with minorities. As a result, the respondents found it challenging to try and explain why DMC was found in the juvenile justice system in the State of Kentucky. Most felt that DMC is a complex issue that has implications and relations both inside and outside of the juvenile justice system. Attempts to explain why DMC is reflected in the statistics centered on localizing the pervasiveness of DMC to:

(i)   *Particular counties or urban sites.*

(ii)   *Population demographics, that is, counties with a fairly large African-American and/or minority population.*

(iii)   *Bias at a particular stage of the juvenile justice process. While many of the respondents agree that prejudicial decision-making can occur at all stages of the juvenile justice process many of them (not including law enforcement officers) expressed the view that the stage in the juvenile justice process that is most susceptible for bias based on race/ethnicity (or class and gender) is at the intake/arrest stage.*

Overall, the respondents interviewed expressed that the juvenile justice processes, structures, policies and guidelines were fair and should protect against DMC. However, the respondents went on to explain that human beings who live among, and are influenced by, the prejudices of society, implement actions, decisions and procedures. Therefore, outcomes in the juvenile justice system can be discriminatory. This, they explained, is further accentuated by the fact that at all stages of the juvenile justice system there is room for use of much discretion.

"System with all the rules, regulations, and laws is probably on paper above prejudice and discrimination but that is on paper, human beings make up—there is a lot of discretion in the system so anybody that has views that are counterproductive are going to be able to implement those views to a certain extent."

Few of the respondents admitted to having cultural biases and stereotypes and some volunteered examples of racial profiling and unfair treatment of juveniles at various stages of the juvenile justice system by others in the system. One respondent expressed confusion as to whether or not bias in the system was more about differences in cultures or lifestyles as opposed to race/ethnicity but concluded that cultural differences can be translated into racial profiling. This example was cited mainly for African Americans both in the intake/arrest stage as well as in the other stages of processing including court proceedings. According to one respondent "*checks and balances are good, it is people who mess up the mix*".

Perceptions about the pervasiveness of DMC varied significantly by rural/urban counties and job categories. Many of the rural respondents, most of the law enforcement officers and some court-designated workers (rural and urban) were less likely to see and talk about DMC. In contrast, some urban respondents and defense attorneys (rural and urban) openly expressed their observations and perceptions about DMC.

Rural Responses

Respondents from rural counties expressed the view that DMC was not a problem in their county because of the demographic make up of their population (predominantly white) and because of a certain rural culture that did not foster high rates of juvenile

delinquency. For example, reflecting on the situation at a rural county's middle school, a respondent observed:

"You're getting a lot of rural children combined with urban life. And, certainly a kid from the far western part of the county, well, we've got some families that would do quite well in Eastern Kentucky."

Concerns were also expressed about families moving into rural counties from the metropolitan Louisville area, and the difficult time children in these families could expect in adjusting to the rural culture. The assumption was that juveniles re-locating from urban areas will bring "city ways" with them, and this is likely to include delinquent behavior. The implication appears to be that juvenile delinquency is really an urban issue, and when juveniles from urban areas come to the local community they will contaminate the community (including some juveniles already at-risk for delinquency due to their family backgrounds) with their "city ways."

Urban Responses

Urban respondents offered two opposing viewpoints. One group expressed the view that racial bias and other forms of discrimination affect the juvenile *before* he or she enters the juvenile court system. They suggest that bias is most likely to occur at the intake/arrest stage of the juvenile justice process and that once the juvenile reaches the court system all juveniles are treated equally. These respondents firmly believe that the type of offense committed is the main determining factor in the way a juvenile is treated and processed and on court outcomes. According to one such respondent *"you commit the crime, you do the time – no matter what you look like"*. The other group of respondents disagreed with this viewpoint and suggested that racial bias also takes place *after* the intake/arrest stage giving examples to show how black and white juveniles were treated differently and had different court outcomes for the same type of offense.

Urban respondents were also of mixed views about the purpose of the juvenile justice system. Most of the respondents were of the view that the juvenile justice system was one of treatment. They suggested that this aspect of the system needed to be further strengthened with increased supervision at various stages of the process (see

recommendations). Others were of the view that once the juvenile is in the system treatment has failed for this juvenile and the justice system was there to decide on the appropriate punishment and protect the community.

4.4   Legal, Social and Economic Characteristics of a Juvenile that Affect Treatment, Process and Court Outcomes

Respondents of the juvenile justice system were asked questions that focused on the importance of the following list of characteristics in the way juveniles are treated and processed, as well as the decisions made in their cases.

❑   Type of offense
❑   Number of offenses
❑   Ability to process information
❑   Age
❑   Gender
❑   Gang Membership
❑   School attendance
❑   Employment
❑   Family and Community Background
❑   Dress and General Demeanor
❑   Race/ethnicity

Many of the respondents interviewed adamantly reported that the social and economic characteristics of a juvenile do not affect how *they* personally treat, process or make decisions on a juvenile's case. At the same time, they suggested that certain social and economic characteristics are important to the way *others* treat, process and make decisions on a case.

All of the interviewees expressed the view that the two most important characteristics of juveniles that influenced the processing and outcome of juvenile cases were: (i) type of offense committed and (ii) number of offenses (court appearances). The ability to process information was also given a high score as an important characteristic that affects treatment, processing and outcomes of juvenile cases in the justice system.

Age was considered important, but only for less serious crimes. It was noted that all juveniles, regardless of age, were treated harshly for more serious crimes. One respondent expressed the concern that juvenile offenders are getting younger and that more juveniles 12-14 years are being arrested for non-violent offenses. It was also suggested that younger juveniles who encounter law enforcement do so, in part, due to a lack of discipline in the home.

"You really kind of look at most of them that's got a problem, it's usually a one parent home, mom's out doing whatever, mom could be out working. I'm not saying that they are doing something negative, she could be working, she can't work and stay home and watch the kids too."

While some respondents reported that there were some differences in the way females and males were treated, processed and in the outcomes of their cases, gender was not considered a major influencing factor. It is the general perception that female juveniles are less threatening and less violent and as a result are treated less harshly in juvenile court although it was the view of one respondent that female juveniles are becoming more violent. Differences in court outcomes for female and male juveniles were also attributed to the lack of facilities (treatment centers) for females and as a result female juveniles are less likely to be committed. Persons interviewed also expressed the view that female juveniles are not the "primary movers", (i.e. the "leaders" of offenses). There was a general agreement that more males than females engage in sex-related offenses, car thefts and drug offenses. Female juveniles are more likely to engage in runaway, shoplifting and "fights" - assaults. They also agreed that male juveniles are more likely than female juveniles to be repeat offenders.

Gang membership was reported as overrated in importance and it was suggested that many juveniles were more "wanna bes" rather than actual gang members. One respondent suggested that sometimes gang membership is linked to race and ethnicity and that there is a perception that black juveniles are associated with gangs while white juveniles are more commonly perceived as belonging to clubs.

The importance of school attendance depended on whether or not the type of offense committed was related to school matters whereas the importance of employment was linked to whether or not the type of offense would result in some kind of remittance.

Contrasting viewpoints were expressed for the importance of family background, type of neighborhood/community, race/ethnicity, dress and general demeanor of a juvenile in the way they are treated, processed and in the outcome of their cases. Again, variations of perceptions are demarcated by location (rural versus urban counties) and by job categories.

Rural Responses

The perception of respondents from small, predominantly white rural counties was that the juvenile's family background, reputation and resources are important. Family name and reputation were cited by many of the rural respondents as a factor that while not officially considered is something that can be "useful to know" about individual juveniles. When a juvenile comes to the attention of law enforcement, or appears in front of the CDW, or has a case referred to the County Attorney's office, or is referred for disciplinary action at the high school, or appears in court, whether the juvenile's family is known (either in a positive or negative way) to the respondent does appear to be influential in decisions made about the juvenile. The juvenile justice respondents view consideration of family background as a means for helping the juvenile rather than being prejudicial and biased. They use the knowledge about the juvenile's family background to determine whether the juvenile can receive the necessary attention or services from the family.

The respondents from the rural counties did not see race/ethnicity and dress/general demeanor as having any effect on how juveniles are perceived, treated and processed in the juvenile justice process.

Urban Responses

Respondents from the urban counties described some characteristics of the typical juvenile offender as:

❑ A young person who was not interested in school,
❑ Living with a single parent (mom),
❑ Has been in trouble before,
❑ Comes from a family with a criminal history,

❑ Has no positive mentor
❑ Most likely living in an urban county

In their description of the typical juvenile offender race or ethnicity was not mentioned. However, in their later discussions many of the characteristics of the typical juvenile offender were linked to a particular race/ethnicity – the African American. An example of this is the linking of a juvenile's family and community background with economic status and race and ethnicity. According to some of the urban respondents, juveniles from low-income neighborhoods might receive different outcomes within the court system than juveniles from more affluent families and neighborhoods. The underlying logic focused on the likelihood that the juvenile could meet the expectations of the diversion program recommended. In cases where it is felt that the juvenile will lack supervision, encounter an environment conducive to further infractions, or be unable to attend meetings and activities required by the diversion program, the juvenile is more likely to experience confinement. The assumption was made that since black juveniles are more likely to come from poor families and neighborhoods, they are more likely to lack the support and resources to successfully complete diversion programs, and therefore are more likely to be confined. The feeling was, however, that the issue was one of economic resources (family and community) rather than race/ethnicity.

Respondents also suggested that race/ethnicity can influence the way a juvenile is treated and processed at the intake/arrest stage of the juvenile justice process. In contrast, law enforcement officers expressed the view that race/ethnicity has no impact on the way they interact with juveniles. One officer suggested that race only becomes an issue when the juvenile brings it up and then race can impact the way that juvenile is treated.

"*Unless they really bring it (race) to my attention over and over*".

Mixed views were also expressed about the importance of a juvenile's dress and general demeanor and the way that they are treated, processed and on the decisions made on their cases. While most respondents reported that dress and general demeanor of the juvenile has no effect some suggested that it does at the intake/arrest stage and in court appearances before judges. According to one respondent:

"It is a question of interpretation, if one's attitude, dress, behavior and general demeanor is interpreted as disrespectful (whether this was true or not) then the youth is often treated harsher. How one's attitude and demeanor is interpreted can make the difference between the youth spending a night in jail or going home with their parents."

Another respondent remarked:

"*I have seen when judges think that a kid has an attitude, they will be harsher with them on just about everything. They get in that type of appearance, the hip-hop thing, it's sort of like confrontational and very rebellious.*"

While judges denied that dress and demeanor affected their interactions with juveniles, some law enforcement officers agreed that dress and general demeanor does have an effect on their interactions with juveniles. However, the law enforcement officers pointed out that 60% of the juveniles that they interact with are not disrespectful, and typically it is the older juveniles (16 and 17 years) that dress in certain ways (baggy pants, sometimes wearing colored bandanas) that are disrespectful.

4.5   Perceived Causes of DMC

Different individuals employed in the juvenile justice system offered several explanations for DMC. These explanations, based on perceptions, fall into the following six possible causes for DMC:

> *(i)   Bias and racial profiling at different stages of the juvenile process.*
>
> *(ii)   Differences between the types of offenses committed by black and white juveniles.*
>
> *(iii)   Weaknesses in minority families (dysfunctional black families, single mother households, etc).*
>
> *(iv)   Economic inequality, high levels of poverty and crime within black families and communities.*
>
> *(v)   The strength of police recommendations on court processes and outcomes.*
>
> *(vi)   Changes/focus of new policies.*

4.5.1 Bias and racial profiling at different stages of the juvenile justice process

The Intake/Arrest Stage

Respondents of the juvenile justice system (except law enforcement officers) identified the intake/arrest stage as the most susceptible stage in the juvenile justice process where biases and racial profiling can occur and possibly explain DMC in the state of Kentucky. This was particularly strong in the urban counties, but it was also recognized in the rural counties. Other areas identified by some respondents where biases based on race/ethnicity (and social class) may occur include the plea bargaining/conference hearing stage, and in the defense arguments where type of family background and the assumptions tied to race/ethnicity are used.

Rural Responses

In one of the rural counties a juvenile justice personnel reported that:

"Court outcome might be influenced by politics/connections of parents, knowing the right people, etc. This might be in the case especially if the juvenile has no previous involvement with the court. On the other hand, there are police patrolling the poorer neighborhoods that are predominantly African-American and there would be kids who were just sitting in a car with their friends and the cop says he thought it was suspicious activity and so proceeds to search the car and the kids. White kids are never brought into court under the same explanations…once in court I don't feel that the prosecutor, judge and other justice workers are swayed one way or the other because of the child's race."

In another rural county where the percentage of minorities in the population is low, most of the respondents denied any type of racial profiling at any stage of the juvenile justice process. However, one respondent still had the view that:

"The police is more likely to arrest you if you are poor and if you are black…and you're more likely to get your case fixed if you are wealthy and white because you are more likely to be connected."

Furthermore:

"My personal experience, I know in Western Kentucky if you were black you were going to get arrested. That was – if there was any – if there was any idea that you might have been involved with anything, you were going to get arrested as opposed to a white kid who they (police) might just question and let go home, or call their parents, etc"

Urban Responses

Many of the respondents from the urban counties suggested that it was more likely that complaints and charges/arrests would be made for black juveniles than for white juveniles. While some respondents believe that this occurs because more black juveniles engage in criminal offenses or that more black juveniles engage in certain types of crimes (e.g. car thefts), others disagreed and attributed DMC to racial profiling. The following example was cited in an attempt to explain why more arrests do not necessarily mean more black juveniles commit offenses than white juveniles.

"While both black and white youth are involved in stealing cars, black youth are more likely to be stopped and investigated on suspicion…and thus subsequently charged. White youth may steal cars but since they are less likely to be stopped on suspicion the white youth may even have time to abandon the stolen car even before it is reported as stolen … and of course if they are less likely to be stopped then they are also less likely to get charged".

It was also suggested that more black juveniles are arrested because black juveniles tend to hang out in groups and when police are investigating a black juvenile the officers will often end up detaining and/or charging all the black juveniles in that group, whether guilty or innocent of any offense.

Plea Bargaining/Conference Hearing Stage

Another stage identified by respondents where bias based on race/ethnicity can result in DMC is in the Hearing/Plea Bargaining stage. At this stage, legal evidence is sought through interviews conducted with the relevant police officers and other witnesses. It is believed that the decision made by attorneys can be influenced by the emotions and testimonies of the police officer and/or the witnesses. In some instances, the emotions and testimonies (based on these individuals' personal biases and stereotypes) suggest to

the attorneys that an offense committed by a black youth is more dangerous and more serious leading to a recommendation for harsher penalties for the black juvenile. It is reported that emotions and testimonies for white juveniles committing the same offense, on the other hand, can be made to look less threatening--- more like an innocent juvenile prank. The result is different outcomes for different juveniles committing similar crimes. According to one respondent:

"This is one stage in the process and decision-making level where human prejudices and biases against minority juveniles can influence disproportionate minority confinement – not in terms of the offense committed but in terms of outcomes".

In another example, the law enforcement officer's opinion about a juvenile's family background is used in a discriminatory and prejudicial manner in making a decision in a conference hearing/plea bargaining case.

"The breaking in and destruction of school property by a white juvenile living in East Louisville was described by police officers and other eye witnesses as a `boyish prank'. The assumption here was that he is from a good family and should be given a chance – less harsh terms. On the other hand, witnesses and police officers can describe the same crime committed by a black youth from West Louisville as a `criminal act by a problem youth' suggesting that harsh treatment is both necessary and required."

Court Hearing/Defense Stage

It was also expressed that DMC can result from the defense/prosecutor use of family background and the underlying assumptions of type of family and race and ethnicity. It is believed that sometimes in defending/prosecuting a juvenile the type of family/community to which that juvenile belongs is used. According to one respondent:

"The argument is sometimes made that the juvenile comes from a `good' meaning `white' family/community and should be released with minimum requirements ... or the juvenile is a potential criminal from a `bad' meaning black family/community and therefore something should be done to nip the problem in the bud ... to get him or her out of the community ... or to treat the juvenile until he or she is an adult."

Family background information is not always included in the juvenile case file nor is it always requested. But, according to one respondent:

"Everyone knows the race/ethnicity of the youth and the community he/she comes from based on the arrest records which indicate where (the neighborhood) the crime was committed or where the arrest was made (the neighborhood where the juvenile lives)."

4.5.2 Differences between the types of offenses committed by black and white juveniles

It was strongly suggested by many of the juvenile justice respondents (both rural and urban based) that DMC could be explained by linking the type of charge to the race/ethnicity of the juvenile and the composition of his or her neighborhood (i.e. black neighborhoods). For example, it was suggested that black juveniles get more involved with crack cocaine, marijuana, and alcohol, while white juveniles prefer methamphetamine. It is also believed that in minority communities there is a prevalence of violence, guns and use of crack cocaine. According to one respondent:

"Minority kids have greater access to guns and I think there's a cultural thing within the black community that's not uncommon for kids and adults to be packing heat and there's a lot of black market trade in cheap handguns in the black community."

In contrast, some respondents expressed the view that they did not think that black and white juveniles commit different offenses but that the police task force (e.g. those specifically dedicated to cracking drug-related crimes) "*only targets black people*" and "*focus on all the black neighborhoods in town*". Additionally, there is a tendency for more reports, police stops and charges to be made on black juveniles compared to white juveniles (the example given before on car thefts.)

Another respondent describes the black community as a "bull's eye" for the police and for everybody. He suggests that black communities and the juveniles that live there are easy targets for police to observe offenses and make arrests.

4.5.3 Weaknesses in minority families (dysfunctional black families, single-mother households, etc)

Throughout the study, while juvenile justice respondents admit that family background and resources do not affect the way juveniles are treated and processed, suggestions were made that some outcomes are dependent on family support. At the same time, respondents made certain assumptions about race/ethnicity and family background and associated type of family with juvenile delinquency and juvenile justice outcomes. For example, the comment was made that:

"A greater number of minority kids and families are dysfunctional, therefore there is a greater chance of unsuccessful outcome."

Another respondent in describing what a typical juvenile looks like suggested that a typical juvenile does not respect authority. He further explained that he believed that a lack of respect for authority is due in part to not having a male image or role model in the home and that this is particularly true for African American juveniles.

"To me a lot of black African American kids just don't have the respect, something is missing in this family"

While this view was held by many of the respondents there also was a group that refuted the perspective that DMC is a result of "dysfunctional, single-headed, black households/families." It was pointed out that single black women have historically raised families without accompanying high incidences of juvenile delinquency.

Similar arguments were made about families with criminal histories and the likelihood of juvenile delinquency. It was suggested that within families with criminal histories, juveniles grow up without a value for freedom and there is no negative "stigma" attached to going to prison. Some respondents further made the assumption that there are a disproportionate number of black families with criminal histories and this can result in DMC among juveniles. In contrast, other respondents strongly denied that there are a disproportionate number of black families with criminal histories but expressed fear

that with current trends of racial profiling in the justice system that the number of African American families with criminal histories is rapidly increasing.

4.5.4 Relationship between economic inequalities, high level of poverty and crime within black families and communities

Many of the respondents interviewed attributed DMC in part to the economics of poverty. Economic disadvantages and availability of fewer options were cited as the major reason why minority juveniles commit offenses. One respondent stated:

"Not all kids, not all African Americans, not all low income kids who live in housing projects get in trouble ... but there is a push factor. Kids try to get somewhere else than where they are so they think if I sell this (drugs) then I will not have to live here with my mother and five brothers in a two-bedroom apartment ... or I can drive a nice car – the Lexus advertised on the TV."

In contrast, other respondents pointed out that black families have historically been poor and this never resulted in high crime rates among blacks. In addition, there are more poor black families who do not have juveniles in the justice system and that not all poor black families have juveniles who are delinquent.

Economic inequality, poverty and race/ethnicity was also linked to type of community and DMC. According to one urban respondent:

"The creation of housing projects with large numbers of low-income families has resulted in the creation of "bull's eye" communities. Since many black juveniles live in these "bull's eye" communities (e.g. West Louisville) they are more likely to get arrested than white juveniles who are spread-out in the East End of Louisville."

The respondent continued:

"Housing projects are the worst thing we ever did to our communities, it forces all economic problems in a combine area and it feeds on itself ... it is easy to see and easy to pick on."

One respondent suggested that economic disadvantage and poverty resulted in different methods used in the conduct of criminal offences between black and white

juveniles. Variation in the selling/marketing of drugs and arrest rates for black and white juveniles was used as an example. According to the respondent:

"The economics of poverty forces black juveniles in poor communities to market their drugs in open venues – street corners, cars and so on. In contrast, marketing of drugs in the rich white neighborhoods takes place behind closed doors. For example, a white middle-class housewife from the East End would have her drugs delivered to her home."

This respondent concluded that there is DMC in the juvenile justice system in the State of Kentucky because black juveniles conduct illegal activities in a way and in a community that makes it an easy target - a "bull's eye".

4.5.5   Strength of police testimony and recommendations

The practice of "rubber-stamping" of law enforcement officers' charges and recommendations was also cited as contributing to DMC in the juvenile justice system in the State of Kentucky. According to respondents, while there are checks and balances to prevent rubber stamping, it is not always the case that checks and balance procedures are adhered to. If there are biases and prejudices in the perception of minority youth by law enforcement officers, then the judicial system, by following the recommendations of law enforcement officers without proper investigation, can contribute to and/or perpetuate DMC.

4.5.6   Change or focus of new policies

Some respondents suggested that certain changes in policies and resources could also result in DMC. In particular, respondents mentioned the recent emphasis and monies placed in drug enforcement, which has had the greatest effect on the African American community. For example one respondent suggested that:

"Depending upon where you live and what race you are, a lot of innocent people are getting confronted and harassed by the police in the war on drugs.

Another respondent suggested that approximately one-fifth of young black men on probation or parole are there because of the war on drugs. Another explained that the war

on crack cocaine has been described as the war on black males because it has disproportionately focused on black men.

Another change in policy/law that was cited as influencing DMC is the law that says that all juveniles who engage in an offense with the use of a gun should be tried in adult court. Respondents suggested that if more black juveniles engage in violent offenses and carry weapons (guns) then the change in law could result in more blacks juvenile cases being tried in adult courts.

4.6 Suggestions for Improvements

Suggestions for improvements to reduce DMC in the juvenile justice system in the State of Kentucky depended on whether respondents believed that:

- ❑ The juvenile justice system is currently fair and there is nothing wrong with it
- ❑ DMC was present or absent
- ❑ Race/ethnicity was an issue in a particular county
- ❑ Juvenile delinquency was a problem in a particular county.

Since these perceptions varied by rural/urban location and job category, the suggestions for improvements also vary by rural/urban location and by job category.

Rural Responses

In the small, pre-dominantly white, rural counties, respondents offered very few suggestions for improvement that can reduce DMC, and what was offered tended to focus on factors outside of the system. Overall, the rural respondents did not see much wrong with the system and therefore did not see the need to *"fix it"*. This is largely due to the belief that the way things are operating at present are *"pretty good overall."* The universal belief is that there are no issues of biases in the handling of juvenile justice in these counties, because there are no race and gender issues observed or practiced in the juvenile justice system and in their communities.

The rural respondents expressed a greater sensitivity to implications of gender bias than racial bias. The issue of social class, however, appears to be the salient factor in how justice system activities are carried out. Given these perceptions, the only

suggestions for improvements to the current system were for more resources (every agency wished for more money) and the desire of the Sheriff's office to either not be given the responsibility for transporting juveniles to and from detention facilities, or to be paid for the time involved in such activities. All in all, respondents involved in the delivery of juvenile justice in the small, predominantly white counties believe that they have a system that works smoothly, justly and in unbiased ways.

Urban Responses

Based on the very mixed views and opinions about the prevalence, seriousness and causes of DMC in the urban counties, the recommendations offered also varied. Most felt comfortable simply giving recommendations on how to improve the juvenile justice system in general while few offered suggestions directly related to reducing DMC. Recommendations were listed as those within and outside of the juvenile justice system.

4.6.1   Recommendations specific to reducing DMC

❑ Try to avoid putting people with racist culture on the streets since racism is inherent in action.

❑ Re-interpretation of some of the criminal trespass or loitering laws that basically affect the black males in public housing projects. Such laws do not take into consideration that limited housing space and large family size forces young people to socialize outdoors and leaves them susceptible to be charged for loitering.

❑ Investigate/research the addresses from which arrests were made, the type of charges made and the number of youth taken into custody in that one stop by the police. This may lead to evidence of DMC at the arrest/intake stage.

❑ The professional staff at all levels of the juvenile justice process should reflect the racial and/or ethnic composition of juveniles in the county. This was seen as important for the following reasons:

i. Juveniles are more trusting of people who look like them and people who can better understand their culture and way of life. This would influence how youth are viewed and valued.

ii. Professional staff that is familiar with the neighborhoods and the cultural patterns of juveniles from certain neighborhoods can make better judgments about the validity and nature of charges made against the youth.

❑ The prosecutor's office should see itself as a check on law enforcement agents rather than rubber-stamping the charges and testimonies of the officers.

❑ Prosecutors and defense attorneys should not be influenced by the emotions and witness accounts of what happened and by expressions of what they want to see done and what is fair as these may be contaminated with individual biases and prejudices.

4.6.2 Recommendations for general improvement of the juvenile justice system

Many of the people interviewed gave suggestions for the overall improvement of the juvenile justice system and suggested that these recommendations would also help prevent minority juveniles from entering and being processed through the system. These recommendations are provided below as reported by the respondents.

❑ Provide more incentives for people who are working within the juvenile justice system. This will assist in encouraging employees to "hang on to cases" rather than process them through and/or pass them on to the next level. The incentives may or may not be financial; it can be a system of recognition and rewards. It is important to have incentives because at all levels employees are working with difficult issues, difficult circumstances, difficult families and difficult youth. Under such situations where the worker feels that things do not seem to be working for the juvenile, he or she might be tempted to send the juvenile case to court out of mere frustration.

❑ Increase and improve diversity training for all professional staff in the juvenile justice system including law enforcement officers.

❑ Improve information sharing between and among different organizations working with juveniles within and outside the juvenile justice system.

❑ Improve access and attention to school records to detect early trends of delinquency or other problems.

❑ Place more emphasis on rehabilitation of juveniles.

❑ Policy should be revised so that after the second diversion opportunity the juvenile must go through the court system.

- Stronger truancy laws.

- Greater efforts in juvenile drug-court.

- Have special law enforcement officers to interact with juveniles in the school system.

- Focus on alternatives to secure detention.

- More foster care homes.

- More drug and rehabilitation programs.

- More DJJ facilities for girls.

- More resources and services directed to day treatment programs

- More mental health facilities for juveniles.

- Do not let juvenile court pattern itself after adult court.

- More staff and more culturally sensitive staff in currently existing treatment centers.

- Spend fewer resources on detention and more for educational activities.

- Ensure that juveniles understand the juvenile justice process and personnel.

- Adopt a more holistic approach in which someone can work with juveniles on their first offense. There should be closer supervision and counseling at the diversion and informal adjustment level.

- The system has to be swifter and more specific. Currently the process is too long. Offenses should have swift and specific repercussions so that juveniles know that crime is not tolerated.

- The juvenile justice system should have different policies for juveniles in different age categories.

- Some law enforcement officers suggested more effective measures for juvenile offenses. In particular, urban law enforcement officers express frustration about the ineffectiveness of the juvenile justice system. They suggested that while they try to remove the juveniles from the streets the justice system puts them back. Further, the officers suggested that being arrested does not at all deter those juveniles who are familiar with the juvenile justice system.

4.6.3 Recommendations for factors outside of the juvenile justice system but will help reduce the number of juveniles (including minorities) from entering the system.

Many of the people interviewed expressed the view that more has to be done to keep juveniles from entering the justice system and that more has to be done to keep juveniles who have already entered the system from returning to the courts. The respondents suggested that if the following recommendations were adopted then minority juveniles would also benefit. Specific recommendations include:

❑ Establish a team consisting of members from different organizations or groups working in partnership to conduct on-going assessments of juveniles beginning at an early age.

❑ Provide more services/resources to juveniles in the schools and in the communities. Focus on juveniles that show early signs of having emotional problems and provide early intervention for children/youth who display a need for attention. Information on family history, dependency, school attendance and school records can be used for early detection of youth with problems.

❑ Improve coordination among organizations that provide counseling, support and encouragement for juveniles in the foster care system.

❑ Encourage families to be more responsible in their child rearing and supervision of children. Where necessary provide better services to "broken" families. For example, if a family has an issue in Family Court, this is a good indicator that this family needs and should be provided with appropriate support and services (better than what is being provided at that time). This is particularly important since welfare services are no longer available to many of these families. There is also the need to keep better track of these families so continued assistance can be provided when necessary.

❑ Earlier intervention with parents to provide parental education and assistance (family counseling, etc) when necessary.

❑ Increased number of mentoring programs including big brother/sister programs.

❑ Avoid stereotyping all youth who live or visit high crime neighborhoods as delinquent.

- Hold parents more accountable for juvenile delinquency

- Work to create a culture that does not spawn and promote violence and drugs.

- Go back to the tradition where communities brought up children and teach what is acceptable and what is not acceptable in that community.

- Change society. Help breakdown cultural barriers – a more integrated culture